IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MAY
TWO THOUSAND AND SEVEN

PRESENT
**THE HON'BLE MR JUSTICE G.CHANDRAIAH**
**WRIT PETITION NO : 11081 of 2007**

Between:

1. P. Ganga Rao, S/o Ram Naidu, Vegetable Vendor, Business of Vegetable Market, Tuni, East Godavari District.
2. Dhadi Appala Naidu, S/o. Venkata Ramana, Vegetable Vendor, Business of Vegetable Market, Tuni, East Godavari District.
3. Juureddi Vasu, S/o. Paradesi Rao, Vegetable Vendor, Business of Vegetable Market, Tuni, East Godavari District.
4. Chadaram Chinna Appa Rao, S/o. Achanna, Vegetable Vendor, Business of Vegetable Market, Tuni, East Godavari District.
5. Repeti Suri Babu, S/o. Parasaiah, Vegetable Vendor, Business of Vegetable Market, Tuni, East Godavari District.
6. Juureddi Sanyasi Rao, S/o. Musalaiah, Vegetable Vendor, Business of Vegetable Market, Tuni, East Godavari District.
7. Jureddi Paradesi Rao, S/o. Musalaiah, Vegetable Vendor, Business of Vegetable Market, Tuni, East Godavari District.

**..... PETITIONERS**

AND

1. Tuni Municipality, rep. By its Commissioner, Main Road, Opposite Head Post Office, Tuni, East Godavari District.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order particularly in the nature of Writ of Mandamus declaring the action of the respondent in taking steps to demolish shops under the possession of the petitioners and to dispossess them as illegal, arbitrary and consequently direct the respondent not to dispossess the petitioners from the shops under their

occupation situated at Municipal Vegetable Market, Tuni, East Godavari District.

**Counsel for the Petitioners: SRI N.SUBBA RAO**
**Counsel for the Respondent: MR.S.NAGESWARA REDDY**
**The Court made the following Order:**

**ORAL ORDER:**

This writ petition is filed for issuance of Writ of Mandamus declaring the action of the respondent in taking steps to demolish shops under the possession of the petitioners and dispossessing them from the shops as illegal and arbitrary, and consequently direct the respondent not to dispossess them from the shops under their occupation situated at Municipal Vegetable Market, Tuni, East Godavari District.

The case of the petitioners is that the petitioners are small vegetable vendors in the Municipal Vegetable Market situated at Tuni Municipality, East Godavari District. The shops are under their possession for the last several decades and are not having any specific shop numbers. It is stated that the petitioners have paid the licence fee, which is required to be paid, to the first respondent Municipality for the year 2006-2007 up to the month of December and the respondent-Municipality has acknowledged the same and issued receipts. It is further stated that they are in continuous possession and occupation of the shops and doing vegetable business without any interference either by the respondent or by any other person. It is their grievance that the employees of the respondent-Municipality, for the reasons best known to them, sought to dispossess them forcibly without issuing any notice. Hence the present writ petition.

The respondent-Municipality filed counter affidavit stating that the

Municipal Council, Tuni resolved to develop Tuni General Market with funds under IDSMT Scheme (Integrated Development of Small & Medium Towns) and requested the petitioners and other co-business people to cooperate with the Municipality in developing the General Market, which will be useful not only to the business people including the petitioners but also to the General Public of Tuni Town. The idea of Municipal Council is to construct the stalls with permanent R.C.C structures in place of temporary structures by utilizing Rs.1.00 crore allocated by the Government and wants to allot the same to the existing business persons including the petitioners in due procedure. It is further submitted that the respondent is doing the work in a phased manner. It is further stated that the petitioners and others are not forcibly evicted but they themselves voluntarily surrendered the possession for commencing the work. It is further stated that earlier the third petitioner filed identical writ petition in W.P.No.11310 of 2005 before this Court representing the Sri Sai Vegetable Vartaka Seva Samkshema Sangam. After filing the above writ petition, the respondent in the presence of Chairperson, Tuni Municipality, promised to allot the shops to the petitioners after completion of the work. In pursuance of the said undertaking, which was reduced in writing, the third petitioner withdrew the said writ petition. Now it is stated that the respondent has already commenced the work and the work is in progress.

The learned counsel for the petitioners submitted that in view of the specific averments made in the counter affidavit filed by the respondent to the effect that after completion of the shopping complex work, the shops will be allotted to the existing business persons along with the petitioners in due procedure, the writ petition can be disposed of.

Having regard to the submissions made by the learned counsel for the petitioner as well as learned counsel for the respondent Municipality, the Writ Petition is disposed of at the admission stage directing the respondent-Municipality to consider the case of the petitioners for allotment of shops as per the specific averments made by it in the counter affidavit.

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**(G. Chandraiah, J)**

30th May, 2007
Js.